



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF EDUCATION
LANSING

MICHAEL P. FLANAGAN
SUPERINTENDENT OF
PUBLIC INSTRUCTION

July 30, 2012

Ms. Deborah S. Delisle
Assistant Secretary for Elementary and Secondary Education
United States Department of Education
400 Maryland Avenue, S.W.
Washington, DC 20202-6100

Re: *Michigan Department of Education Request to Waive the Provision that Prohibits an SEA from Granting to an LEA a Waiver of the Carryover Limitation More Than Once Every Three Years*

Dear Ms. Delisle:

The Michigan Department of Education (MDE) requests a waiver of the limitation in Section 1127(b) of the Elementary and Secondary Education Act of 1965 (ESEA) that prohibits a State Educational Agency (SEA) from granting a waiver of the carryover limitation in section 1127(a) of the ESEA to a Local Educational Agency (LEA) more than once every three years. Section 1127(b) permits an SEA to waive the limitation in Section 1127(a) once every three years if: (1) the LEA's request is reasonable and necessary; or, (2) a supplemental Title I, Part A appropriation becomes available.

Michigan is requesting this waiver based on its belief that it is reasonable and necessary for the following reasons:

(1) Although LEAs in Michigan systematically planned to implement American Recovery and Reinvestment Act (ARRA) funds, the ripple effects in subsequent years created a higher carryover balance for some LEAs in 2011-2012;

(2) The sustained downturn in the Michigan economy resulted in a substantial delay in spending of supplemental resources as some LEAs exercised extreme caution in managing resources;

(3) A number of LEAs worked to sustain operations in a deficit budget environment by increasing internal controls of all finances, causing delays in spending supplementary program funds; and,

(4) A number of LEAs experienced significant turnover in key leadership positions and reductions in teaching positions to balance their budgets, thus causing delays in decision-making to procure supplementary resources and assign supplementary staffing.

STATE BOARD OF EDUCATION

JOHN C. AUSTIN – PRESIDENT • CASANDRA E. ULBRICH – VICE PRESIDENT
NANCY DANHOF – SECRETARY • MARIANNE YARED MCGUIRE – TREASURER
RICHARD ZEILE – NASBE DELEGATE • KATHLEEN N. STRAUS
DANIEL VARNER • EILEEN LAPPIN WEISER

608 WEST ALLEGAN STREET • P.O. BOX 30008 • LANSING, MICHIGAN 48909
www.michigan.gov/mde • (517) 373-3324

In accordance with the above provisions, we are requesting a waiver to allow Michigan to waive the carryover limitation more than once every three years for an LEA that documents one or more of the four conditions itemized above. We are requesting this waiver for a period of one year (i.e., to apply to LEA requests to carryover fiscal year (FY) 2011 Title I, Part A funds in excess of the carryover limitation).

Michigan has set very aggressive annual measurable objectives (AMOs) in reading (English Language Arts) and mathematics for the 2012–2013 school year as follows:

Reading							
	Grade						
Year	3	4	5	6	7	8	11
2011-12	47%	48%	50%	43%	34%	39%	33%
2012-13	74%	74%	75%	72%	67%	70%	67%
Mathematics							
	Grade						
Year	3	4	5	6	7	8	11
2011-12	17%	20%	18%	14%	14%	10%	8%
2012-13	58%	60%	59%	57%	57%	55%	54%

The 2011-2012 and 2012-2013 math and reading targets are recalculated to reflect career and college ready cut scores (pending approval). Michigan will determine adequate yearly progress (AYP) based on assessments administered in the 2011–2012 and 2012–2013 school years in accordance with the requirements of Section 1111(b)(2) of the ESEA, or as approved under the pending flexibility waiver.

Michigan believes that the requested waiver will provide the state with the ability to grant an LEA the flexibility it needs to spend its Title I, Part A funds thoughtfully over the course of an additional year to sustain activities that are most likely to improve the academic achievement of students. Michigan believes that ultimately the requested waiver may help more schools and LEAs make AYP by enabling them to direct their funds thoughtfully to activities that will help their students meet the AMOs set forth above. Also, the new flexibility waiver proposed by the state will increase requirements for LEAs, and access to these carryover resources will be valuable to turning around student achievement in the lowest performing school districts and in those with the largest subgroup achievement gaps.

Ms. Delisle
Page 3
July 30, 2012

Michigan will ensure that an LEA that is eligible and interested in obtaining the additional carryover limitation waiver, applies to the SEA in accordance with Michigan's regular procedures for waivers of the carryover limitation. Michigan also assures that it will implement the requested waiver only with respect to an LEA that needs a waiver of the carryover limitation for one additional year because of the reasons identified in paragraph two.

Prior to submitting this waiver request, Michigan provided all LEAs in the state with notice and a reasonable opportunity to comment on this request. An e-mail was sent to each LEA on July 12, 2012 (Appendix A), and a notice was posted to the public on the MDE website (Appendix B), as is customary. Copies of all comments that Michigan received in response to these notices are included as Appendix C.

Michigan hereby assures that if it is granted the requested waiver, it will submit any reports as required to the U.S. Department of Education. Please feel free to contact Mike Radke at 517-373-3921 or radkem@michigan.gov. Thank you for your consideration.

Sincerely,

Sally Vaughn, Ph.D.
Deputy Superintendent/Chief Academic Officer

cc: Paul Brown, U.S. Department of Education
Michael Radke, Office of Field Services